

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CRIMINAL MINUTES—GENERAL

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Case No. CR-22-197-DMG

Date January 11, 2023

Present: The Honorable DOLLY M. GEE, UNITED STATES DISTRICT JUDGE

Interpreter N/A

Kane Tien

Not Reported

Not Present

*Deputy Clerk**Court Reporter**Assistant U.S. Attorney*

<u>U.S.A. v. Defendant(s):</u>	<u>Present</u>	<u>Cust.</u>	<u>Bond</u>	<u>Attorneys for Defendant(s):</u>	<u>Present</u>	<u>Appt.</u>	<u>Ret.</u>
Jung Kyoo Moon	Not		✓	Henry R. Halpern	Not		✓

Proceedings: [IN CHAMBERS] ORDER IMPOSING SANCTIONS

Pursuant to the parties' stipulation and based on Defendant's representation that he needed more time to prepare his sentencing memorandum, on November 28, 2022, the Court continued the sentencing hearing to January 10, 2023 at 4:00 p.m. [Doc. # 35.] Defendant's sentencing position was due no later than January 3, 2023. [Doc. # 21 at 1.] Defendant failed to timely file a sentencing position. Further, at 3:43 p.m. on January 6, 2023, in response to the Court Clerk's January 6, 2023 email requesting confirmation of the sentencing hearing date, Mr. Halpern informed the Court the hearing could proceed. It was not until 7:18 a.m. on January 10, 2023 that Mr. Halpern's office advised the Court he would be unable to attend the sentencing hearing, due to testing positive for COVID-19.

The Court hereby sanctions Mr. Halpern (not the defendant) in the amount of \$280.00, the amount incurred for the late cancellation of the Korean language interpreter, in light of his failure to timely file a sentencing position and to earlier notify the Court of the requested continuance. Given that he had not filed his sentencing memorandum by the January 3, 2023 deadline, counsel should not have informed the Court on January 6 that the sentencing hearing could proceed. Counsel shall remit payment for the sanction, made payable to the Clerk of the Court, within 14 days of this Order. Defendant's sentencing position shall be filed no later than one week before the sentencing hearing.

IT IS SO ORDERED.